

State of New York - Department of State
Division of Corporations

Party Served:

AIR EUROPA, LINEAS AEREAS, S.A.

Plaintiff/Petitioner:

BARRERA, MARIA

AIR EUROPA, LINEAS AEREAS, S.A.
287 BOWMAN AVENUE
SUITE 341
PURCHASE, NY 10577-2557

Dear Sir/Madam:

Enclosed herewith is a legal document which was served upon the Secretary of State on 10/28/2020 pursuant to SECTION 306 OF THE BUSINESS CORPORATION LAW.

This copy is being transmitted pursuant to such statute to the address provided for such purpose.

Very truly yours,
Division of Corporations

SIMON & GILMAN, LLP

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

MARIA BARRERA,

Plaintiff/Petitioner,

- against -

Index No. 31359/2020 ~~1E~~

AIR EUROPA, LINEAS AEREAS, S.A.,

Defendant/Respondent.

NOTICE OF ELECTRONIC FILING
(Consensual Case)
(Uniform Rule § 202.5-b)

You have received this Notice because:

1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and

2) You are a Defendant/Respondent (a party) in this case.

• **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

• **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The benefits of participating in e-filing include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

To register for e-filing or for more information about how e-filing works:

- visit: www.nycourts.gov/efile-unrepresented or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

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To find legal information to help you represent yourself visit www.nycourthelp.gov

Information for Attorneys

An attorney representing a party who is served with this notice must either consent or decline consent to electronic filing and service through NYSCEF for this case.

Attorneys registered with NYSCEF may record their consent electronically in the manner provided at the NYSCEF site. Attorneys not registered with NYSCEF but intending to participate in e-filing must first create a NYSCEF account and obtain a user ID and password prior to recording their consent by going to www.nycourts.gov/efile

Attorneys declining to consent must file with the court and serve on all parties of record a declination of consent.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

Dated: September 28, 2020


Keith A. Gilman, Esq.

Name

SIMON & GILMAN, LLP

Firm Name

91-31 Queens Blvd. -Suite 411

Address

Elmhurst, NY 11373

(718) 459-6200
 Phone

kgilman@simgil.com

E-Mail

To: Air Europa, Lineas Aereas, S.A.

c/o Secretary of State

Albany, NY

6/6/18

SIMON & GILMAN, LLP

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
MARIA BARRERA,

Plaintiff,

- against -

AIR EUROPA, LINEAS AEREAS, S.A.,

Defendant.
-----X

Index No. 31359/2020E

Date Purchased: 10/5/20

Plaintiff designates Bronx
County as the place of trial.

The basis of venue is
Plaintiff's residence.

SUMMONS

Plaintiff resides at
2430 University Avenue, #5S
Bronx, NY 10468

To the Above-Named Defendant:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your Answer or, if the Complaint is not served within this Summons, to serve a Notice of Appearance on the Plaintiff's attorneys within twenty (20) days after the service of this Summons, exclusive of the day of service (or within thirty [30] days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: September 28, 2020

SIMON & GILMAN, LLP
Attorneys for Plaintiff
91-31 Queens Blvd. – Suite 411
Elmhurst, NY 11373
(718) 459-6200

TO: Air Europa, Lineas Aereas, S.A.
% Secretary of State
Albany, New York

SIMON & GILMAN, LLP

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
MARIA BARRERA,

Plaintiff,

VERIFIED COMPLAINT

– against –

Index No. 31359/2020E

AIR EUROPA, LINEAS AEREAS, S.A.,

Defendant.
-----X

Plaintiff MARIA BARRERA, by her attorneys, SIMON & GILMAN, LLP, complaining of Defendant AIR EUROPA, LINEAS AEREAS, S.A. (hereinafter referred to as "AIR EUROPA"), respectfully states to the Court and alleges:

1. That at all times hereinafter mentioned, Plaintiff was a resident of the County of Bronx, City and State of New York.
2. That upon information and belief, and at all times mentioned herein, Defendant AIR EUROPA was and is a domestic corporation, organized under and existing pursuant to the laws of the State of New York.
3. That upon information and belief, and at all times mentioned herein, Defendant AIR EUROPA was and is a foreign corporation authorized to do business in the State of New York.
4. That at all times hereinafter mentioned, Defendant AIR EUROPA has its principal offices in the Country of Spain.
5. That upon information and belief, and at all times mentioned herein, Defendant AIR EUROPA was and still is a business entity transacting business in the State of New York.
6. That upon information and belief, and at all times hereinafter mentioned,

Defendant AIR EUROPA was the owner of a certain shuttlebus at JFK airport.

7. That at all times hereinafter mentioned, Terminal 4 at JFK International Airport, in the County of Queens, City and State of New York, was and still is a thoroughfare open for vehicular traffic to those personnel authorized to be in said area.

8. That on or about November 21, 2019 while Plaintiff was a lawful passenger in a shuttlebus owned and operated by Defendant, its servants, agents, and/or employees, contact occurred between Plaintiff and an unsecured wheelchair present on the aforesaid shuttlebus.

9. That as a result of the aforesaid contact, Plaintiff did suffer serious, severe, and permanent personal injuries as hereinafter alleged.

10. That the said collision and the injuries resulting therefrom were due solely to the negligence, carelessness, and reckless disregard on the part of the Defendant.

11. That the above-said accident and the injuries resulting therefrom were due to the negligence, carelessness, and recklessness of the above-named Defendant in that they owned and operated the above-said shuttlebus and wheelchair in a dangerous and careless manner.

12. That solely by reason of the negligence of the Defendant as aforesaid, Plaintiff was rendered sick, sore, lame, and disabled, and suffered severe, painful, and permanent injuries to various parts of Plaintiff's person with accompanying pain; that Plaintiff continues to be sick, sore, lame, and disabled, she has been incapacitated and has expended and become obligated to expend sums of money for medical care and attention in an effort to cure herself of her injuries and to alleviate her pain and suffering, and she was unable and continues to be unable, for some time to come, to pursue her

SIMON & GILMAN, LLP

usual duties and daily activities.

13. That by reason of the foregoing, Plaintiff suffered and sustained a "serious injury" as defined by section 5102 of the New York Insurance Law.

14. As a result of the aforesaid, Plaintiff has been damaged, and seeks damages, in an amount exceeding the jurisdictional limits of all lower courts that would otherwise have jurisdiction, but not to exceed \$70,000.00.

WHEREFORE, Plaintiff MARIA BARRERA hereby demands judgment against Defendant AIR EUROPA, LINEAS AEREAS, S.A. in an amount exceeding the jurisdictional limits of all lower courts that would otherwise have jurisdiction, said amount to be determined at the trial of this matter, together with the costs and disbursements of this action.

DATED: September 28, 2020
Elmhurst, New York

Yours, etc.

A handwritten signature in cursive script, appearing to read "Keith A. Gilman".

SIMON & GILMAN, LLP
By: Keith A. Gilman, Esq.
Attorneys for Plaintiff
91-31 Queens Blvd. - Suite 411
Elmhurst, NY 11373
(718) 459-6200

SIMON & GILMAN, LLP

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STATE OF NEW YORK, COUNTY OF

ss.:

I, the undersigned, an attorney admitted to practice in the courts of New York State,

☐ Certification By Attorney certify that the within
has been compared by me with the original and found to be a true and complete copy.

☒ Attorney's Affirmation state that I am Keith A. Gilman, Esq.,
the attorney(s) of record for Plaintiff
action; I have read the foregoing Complaint in the within
and know the contents thereof;
the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by Plaintiff is because Plaintiff resides in a county other than the one in which I maintain my office.

Check Applicable Box

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated:



The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF

ss.:

KEITH A. GILMAN, ESQ.

I, the undersigned, being duly sworn, depose and say: I am

☐ Individual Verification in the action; I have read the foregoing
and know the contents thereof; the same is true to my own knowledge, except
as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

☐ Corporate Verification the of
a corporation and a party in the within action; I have read the foregoing
and know the contents thereof; and the same is true to my own knowledge,
except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true. This
verification is made by me because the above party is a corporation and I am an officer thereof.

Check Applicable Box

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Sworn to before me on

The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF

ss.:

(If more than one box is checked — indicate after names type of service used.)

I, the undersigned, being sworn, say: I am not a party to the action, am over 18 years of age and reside at

On

I served the within

☐ Service By Mail by mailing a copy to each of the following persons at the last known address set forth after each name below.

☐ Personal Service on Individual by delivering a true copy of each personally to each person named below at the address indicated. I knew each person served to be the person mentioned and described in said papers as a party therein;

☐ Service by Electronic Means by transmitting a copy to the following persons by ☐ FAX at the telephone number set forth after each name below ☐ E-MAIL at the E-Mail address set forth after each name below, which was designated by the attorney for such purpose, and by mailing a copy to the address set forth after each name.

☐ Overnight Delivery Service by dispatching a copy by overnight delivery to each of the following persons at the last known address set forth after each name below.

Check Applicable Box

PLEASE take notice that the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on

Dated,

Yours, etc.

SIMON & GILMAN, LLP

Attorneys for

Office and Post Office Address
91-31 QUEENS BOULEVARD - SUITE 411
 ELMHURST, NY 11373

To

Attorney(s) for

NOTICE OF SETTLEMENT

PLEASE take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on

M.

Dated,

Yours, etc.

SIMON & GILMAN, LLP

Attorneys for

Office and Post Office Address
91-31 QUEENS BOULEVARD - SUITE 411
 ELMHURST, NY 11373

To

Attorney(s) for

Index No. 31359/20202E Year

SUPREME COURT STATE OF NEW YORK
 COUNTY OF BRONX

MARIA BARRERA,

Plaintiff,

-against-

AIR EUROPA, LINEAS AEREAS. S.A.,

Defendant.

SUMMONS AND VERIFIED COMPLAINT

Signature (Rule 130-1.1-a)

Print name beneath
 Keith A. Gilman, Esq.

SIMON & GILMAN, LLP

Attorneys for Plaintiff

Office and Post Office Address, Telephone
91-31 QUEENS BOULEVARD - SUITE 411
 ELMHURST, NY 11373
 (718) 459-6200

To

Attorney(s) for

Service of a copy of the within is hereby admitted.
 Dated

Attorney(s) for

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es Requested

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